

UNITED STATES OF AMERICA
BEFORE THE NATIONAL LABOR RELATIONS BOARD

ATLAS ROLL-OFF CORP.
Employer

and

Case 29-RC-114120

LOCAL 175, UNITED PLANT &
PRODUCTION WORKERS,
INTERNATIONAL UNION OF
JOURNEYMEN AND ALLIED TRADES
Petitioner

ORDER

The Employer's request for special permission to appeal the Acting Regional Director's setting of an election for September 3, 2014 and her use of the *Steiny/Daniel*¹ eligibility formula is granted, and the appeal is denied on the merits.² The Employer's request to stay the election is denied. The Employer's request to stay the date to submit the voter eligibility lists to the Region is denied as moot.

MARK GASTON PEARCE, CHAIRMAN

KENT Y. HIROZAWA, MEMBER

HARRY I. JOHNSON, III, MEMBER

Dated, Washington, D.C., September 2, 2014

¹ See *Steiny & Co.*, 308 NLRB 1323 (1992) and *Daniel Construction Co.*, 133 NLRB 264 (1961), modified at 167 NLRB 1078 (1967).

² We are treating the Employer's "Notice of Appeal and Objections Stay Requested" as a request for special permission to appeal the Acting Regional Director's decisions.

Member Johnson notes that the *Steiny/Daniel* eligibility formula is the default standard to be applied, unless an employer shows an actual seasonal change in the complement of its workforce. The Employer here failed to allege such a seasonal fluctuation.